

Evening Telegraph

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TUESDAY, SEPTEMBER 21, 1869.

THE PARDONING POWER.

A few days ago, in discussing the remarkable succession of murders, suicides, and murderous assaults that have shocked this community during the present month, we gave as one reason for this lawlessness the abuse of the pardoning power, and remarked in that connection that Governor Geary's use of the pardoning power had not given satisfaction. For this we have taken to task by the Evening Bulletin, and in refutation of our charge it makes considerable parade of the fact that Geary has pardoned fewer criminals than any of his predecessors, and further, that "every exercise of the power made during his administration has been for good and sufficient reasons." The Bulletin then goes on to say that

"The mere publication of this list, without a word of comment—without any attempt to explain the character of the few pardons granted by Governor Geary, is a sufficient answer to the calumnies of his enemies. But it can be demonstrated from official documents, the authenticity of the statements of which it is impossible to question, that these pardons were granted to persons who were clearly entitled to them—who were included in the class for the relief of which this enormous power was placed in the hands of the Executive."

Our contemporary is entirely correct in its figures; it is entirely correct when it says that these pardons were granted for "good and sufficient reasons"—to Governor Geary, of course—although we may be permitted to doubt whether the honest, law-abiding portion of the community would be exactly of the same way of thinking if they knew all the circumstances connected with the granting of some of these pardons. The article objected to by the Bulletin contained no political allusions whatever; it was a plain statement of a state of affairs which ought to receive the candid attention of every patriotic citizen. We endeavored to lay a portion of the blame where we believe that it justly belongs. In spite of the Bulletin's figures, we still remain of the same opinion as before, and our opinion is based upon exactly the same official record that our contemporary quotes so confidently. The question is not whether Governor Geary has pardoned a less or greater number of criminals than his predecessors, but whether he has used it for the good of the community, and not from selfish motives and to gratify certain intriguing politicians; whether his use of the pardoning power has not been such as to demand that it shall be taken from the hands of the Executive in the future and entrusted to a properly organized court. We believe that this is a matter of vital importance to the people of this city and State, and we know of no good reason why we should refrain from alluding to it now or at any other time. To substantiate our position, we will quote a few cases from the pardon report for the edification of the Bulletin and all others interested:—

No. 11 on the list we find Henry Ahern convicted of "Larceny," and sentenced to four years in the penitentiary and one thousand dollars fine. The reasons given were, that "the sentence was unduly severe; the prisoner was penitent and anxious to redeem his character; and having served nearly one year of his sentence, the ends of justice were satisfied."

We call the special attention of our readers to the names of the principal petitioners for the pardon:—Hons. Jacob E. Ridgway, W. W. Watt, Samuel Josephs, William McCandless, Jas. V. Stokes, D. A. Nagle, Alderman Wm McMullin, Alderman J. W. Boileau, A. J. Diamond, John G. Butler, J. B. Beck, W. R. Gilbert, R. C. Tittermary, Wm. V. McGrath, and others.

Case No. 12 is William Kraft, sentenced to ten years in the penitentiary for the crime of "Arson." Pardoned on the recommendation of Hon. Leonard Myers, Rev. W. J. Mann, Hon. James Subers, Hon. Wilson Henszey, General Louis Wagner, Asher Leidy, Albert Berman, and others, for the reasons that "during his long confinement the prisoner's conduct had been such as to inspire confidence in his repentance, and that the remainder of his life would be devoted to usefulness."

No. 23, Michael Shannon, sentenced to eighteen months in the Eastern Penitentiary for "Attempting to produce an abortion," was pardoned on the affirmation of the petitioners that he was convicted on evidence unworthy of credence; that the statements of the alleged grievous parties were contradictory; that the prosecution was instituted from unworthy motives, etc. Of course the petitioners knew a great deal more about the reliability of the evidence and the motives of the prosecution than the jury, and there was consequently no difficulty in getting a pardon from the Governor.

Case No. 28, Isaac Shafer, sentenced to five years in the Western Penitentiary for "larceny," and pardoned because he was "a monomaniac on the subject of horse stealing, and promised if released to expose an extensive gang of horse thieves, and make other important disclosures."

It seems to us that the penitentiary would be the best place for a monomaniac of this character.

Case No. 36 is that of James Riley, sentenced to six years and ten days in the Eastern Penitentiary for "Burglary." Pardoned on the recommendation of Hon. James Subers, General Louis Wagner, and others, for the reasons "that he was the dupe of others; that he had previously borne a good character; and that he was still young and well disposed."

This last reason is one that we find contin-

ally used in these cases. We would like to know what the Governor understands by it. Case No. 37 is John Campbell, sentenced to five years in the penitentiary for "Robbery." Pardoned on the recommendation of prosecutor and jurors, William McCandless, W. W. Watt, Michael Mullen, William B. Hood, C. H. T. Collis, Samuel Josephs, James Donnelly, George W. Ford, Jacob E. Ridgway, F. W. Henderson, and others, for the reason that he took no part in the crime, was only in company with the guilty parties; his health was greatly injured by confinement; that he had always borne a good character, and had a family to support."

Case No. 43, Thomas Naulty, sentenced to eighteen months in the County Prison for "Riot," was pardoned on the recommendation of Hons. James Subers, George A. Quigley, and ten other members of the State Legislature, a number of citizens, and Hon. Andrew G. Curtin, for the reasons that "Naulty had always borne a good character, and having suffered fifteen months' imprisonment, the ends of justice had been met."

Case No. 45, Charles E. McBride, sentenced to a fine of fifty dollars and three years in the Western Penitentiary for "Horse stealing," was pardoned on the recommendation of the presiding judge, District Attorney, prosecutor, State Representatives and Senators John D. Stranahan, George F. Rea, E. W. Davis, George Connell, Thomas Nicholson, A. P. Duncan, David L. Smith, George T. Thorn, W. W. Watt, ex-Governor Curtin, and others, for the reasons that "McBride had no criminal intent," etc.

Case No. 47, John Conner, sentenced to eleven years and six months in the Eastern Penitentiary for "Manslaughter," was pardoned on the recommendation of W. B. Mann, District Attorney; Hons. George Connell, E. W. Davis, James N. Kerns, J. Nichols, W. D. Kelley, W. W. Watt, George De Haven, and J. Donohugh, Benjamin K. McClurg, C. H. T. Collis, and others, who allege that "the crime was committed in a drunken conflict; that Conner had previously sustained a good character; that he was sincerely penitent and in failing health."

Case No. 66, Thomas Naulty again. This time sentenced to one year in the county Prison for "Fraudulently procuring the acknowledgment of a deed." Pardoned on the recommendation of W. J. Pollock, George Patchall, D. Foy, James Given, John G. Butler, John W. Boileau, Joseph M. Cowell, George Connell, Charles W. Brooke, Joshua T. Owen, and many others, who represented that "the offense was committed under palliating circumstances; the prisoner had always sustained a good character. (By reference to case No. 43; quoted above, it will be seen that Naulty got out on this plea once before), and that the punishment already suffered was sufficient."

Case No. 72, Henry Mansfield, sentenced to three years and eight months in the Eastern Penitentiary (offense not stated), was pardoned on the recommendation of Hon. Charles O'Neill, E. W. Davis, F. G. Wolbert, James C. Kelch, Thomas Cochran, W. N. King, E. C. Bonsall, W. W. Watt, George H. Moon, William B. Mann, William R. Leeds, and others, for the reasons that "the prisoner restored the property alleged to have been stolen, is a young man of good character and respectable connections, and that he has already suffered sufficient punishment."

Case No. 101, John G. Gerberick, sentenced for "adultery," was pardoned on the grounds that "the prosecution was based upon selfish and pecuniary motives; that he was a respectable citizen, enjoying the confidence of a large circle of acquaintances and friends," etc.

We have here quoted but a small number of the pardons granted, but they will be sufficient to show the frivolous character of the reasons assigned, and the class of men upon whose application the Governor was induced to interfere. Throughout the whole pardon list we find the names of well-known local and State politicians, each one of whom has his little axe to grind, each one of whom expects to obtain influence at primary elections, conventions, and the polls by using his influence in matters of this kind, and the Governor is ready to oblige them because they may do him a good or evil turn, as he wins their favor or enmity. We have here laid bare one of the secret wires by which the politics of the State are regulated; and the spectacle is edifying, if not altogether agreeable.

We know that the loyalty of our amiable contemporary is of a very severe and antique type, which we can scarcely expect to emulate, and as election day approaches it invariably mounts a very high and patriotic horse, that we find it difficult to keep pace with. Our opinion of Governor Geary is tolerably well known; we do not think any better of him since his recommendation than we did before, but if the Republicans of this State choose to vote for him again, that is their business and not ours. We venture, however, upon a piece of disinterested advice to the Bulletin—that is, if it really wishes to see Geary re-elected, the best thing it can do is to discuss him as little as possible. We believe that our opinions on the leading moral, political, and social topics are sufficiently pronounced and sufficiently liberal to satisfy the most advanced reformers of the day, if we except the Wendell Phillips and Susan B. Anthony class, and we have given as sturdy a support to the Republican party as has our contemporary. We believe, however, that if the Republican party is to retain the confidence of the country, it must be conducted on pure principles by pure men. We hold firmly to Republican principles, because we believe that the safety, honor, and welfare of the country depend upon their maintenance; but we will not support the corrupt men who may manage to get upon the Republican ticket for the sake of advancing their own selfish ends and for the purpose of plundering the public. The time has now come when it is necessary for the patriotic men of the State and country to make a decided stand against corrupt practices like those of the late State

Legislature, which bring the party into disgrace and contempt. If the party supports such men it ought to fall, for whatever its pretended principles may be, it has in reality fallen to the Democratic level, and party fealty represents a mere scramble for the loaves and fishes. We have taken our position on this subject, and we do not intend to be frightened or silenced by the noise of the big war drums that are being sounded as the day of election approaches. We have ample assurance that our course meets with the approbation of the good men of the Republican party, the men who have given and do give it all its real influence, and that our only opponents are those who make a trade of politics, who have no principles whatever except to obtain office at all hazards, and a few timorous, so-called Republicans, who have no opinions of their own, who follow blindly the professed party leaders, and who echo at every election the old Democratic cry of "Vote the straight ticket." There are Bourbons, who learn nothing and who forget nothing, in the Republican as well as in the Democratic party, and it is the Republican Bourbons that give the most aid and comfort to the enemy.

The most critical examination we can give to the pardon record of Governor Geary only confirms our conviction that the pardoning power ought to be taken out of the hands of the Executive. The majority of his pardons were granted for the most frivolous reasons, and at the instance of a class of men who had their own ends to serve by recommending criminals to his clemency—men who, from the frequency with which they appear upon the record, might not unjustly be entitled professional pardon brokers, and the reward of more than one engaged in this disreputable business may be seen in objectionable nominations made upon the Republican ticket, and which we have yet to see denounced by the Bulletin. Perhaps our contemporary will give us its opinion on the black sheep after the election. We prefer to denounce them before.

THE PENSIONS AND THE PENSION AGENTS.

The soldiers and soldiers families who receive pensions from the Government cannot be too thankful for the order recently issued by the Commissioner of Pensions, and approved by the Secretary of the Interior, requiring that all pensions shall be paid hereafter in checks or drafts drawn to the order of the pensioners; while, on the other hand, we do not wonder that this rule is opposed by the unofficial pension agents. It strikes at the root of the power they have heretofore possessed of having the objects of the bounty of the Government completely at their mercy. It is almost incredible, but it is nevertheless true, that the custom had grown up, even in Pennsylvania, of making unauthorized middle-men the practical almoners of the nation, and with the cash appropriated by Congress in their own hands, they had every desirable facility for usury, extortion, and fraud. There is no possible necessity for the perpetuation of this system. It was useful only for the promotion of ulterior designs. Each pensioner who resides in or near the city can easily call at the offices of the official pension agents and receive a check on the Assistant Treasurer for the full amount due him, without the deduction of a cent for the fees of attorneys, for usury, or as a payment on account of a hard and grinding bargain exacted from ignorance or indigence. The pensioners who reside in the interior, and who are unable to come to the city to receive the amount of their pensions, are required to appoint an attorney, who prepares the proper vouchers; but they can all be paid on presentation at the pension offices here, in checks drawn to the order of the pensioners, and the intervention of a city attorney to facilitate this transaction is totally unnecessary. The old custom was to give the sum total of these vouchers, in currency or its equivalent, to unofficial city agents, and then, after they had exacted such fees as they thought proper to charge, permitting them to transmit the remaining money in bulk to the country attorneys, who had, in turn, opportunity for making such deductions as they deemed proper to impose, thus subjecting the country pensioners to a double shave. It would be very strange if, under these circumstances, many of them were not unmercifully fleeced.

Under the new arrangements the pensioners, instead of the volunteer agents, will be masters of the situation. They will each receive in person a check for the whole amount due them, and these checks, after they are properly endorsed, are for business purposes even better than currency in every part of the State. If the pensioners desire to pay a portion of their stipends to the attorneys, they can do so, but the attorneys have lost the power to withhold money against their will, and herein an important victory has been gained by the soldiers and soldiers' families over an insidious and dangerous class of their enemies.

The country attorneys who are disposed to act justly—and there are no doubt many of this character—will hereafter be under no necessity of sending their properly attested vouchers to any city attorney. They can be collected quite as well without charge, and without the intervention of Philadelphia middle-men, as with such aid. The fact that the old system has long been maintained is no good reason why it should not now be broken up. It is a notorious fact that under its operations, in various sections of the country, thousands of soldiers and their families have been swindled by agents and attorneys, and any new governmental regulations designed to diminish this evil will be warmly applauded by every patriotic citizen. The order requiring the official agents to place under the immediate control of each pensioner the full amount of his stipend, is well calculated to promote this end. If other modifications are needed, we trust they will speedily be made. The

pensions awarded by a grateful republic should be regarded as a sacred fund, and any attempt to tamper with them should be deemed little less than sacrilege. The Government is bound, in justice and in honor, to persevere in the new policy it has adopted, and if any defects are disclosed, no pains or trouble should be spared to remedy them. One of the old maxims of the nation was, "Millions for defense, but not one cent for tribute." Let it add, in reference to the dependent soldiers and soldiers' families, "millions to relieve the sufferings of the victims of the war, but not one cent more than absolutely just and necessary fees to unauthorized pension agents and attorneys."

THE PARAGUAYAN WAR has again been brought to a close, but this time the news savors somewhat of reliability. Despatches from Asuncion, dated August 15, state that the Allies have driven Lopez from the stronghold of Ascurra, that they have also captured Pierribeban, that Lopez has fled, and that the Paraguayans are so used up generally that they will be unable to continue the struggle any longer. In the interests of humanity it is to be hoped that this news will prove to be grounded upon the truth. For several years one of the most fertile and charming sections of South America has been the scene of warfare, all the industries of the country have been suspended, the entire male population has been impressed into the army, and the women and children have been subjected to long-continued privation and suffering. And the sole cause and occasion of all this desolation and misery has been the ambition of one of the most despicable creatures that ever ruled with a rod of iron over a subjugated and spiritless people. Brazil may possibly absorb the greater portion of the Paraguayan territory, which will thus be lost to nominal republicanism, but Paraguay will be infinitely more prosperous and happy under the monarchial rule of Dom Pedro than it ever has been or ever could be under the dictatorial sway of such petty tyrants as Francia and Lopez.

Our Democratic morning contemporary—a fair test of the intelligence of the 50,000 Democrats of the city is afforded by the fact that it has the field all to itself—is in a very amiable mood because it has "never seen more general satisfaction than is caused by the action of the recent candidates in ignoring every personal interest, and calling on the proper political authority to place such a ticket before the public as will command the support of all sections of the Democratic and conservative people of this city." It neglects, however, to mention the trifling circumstance that "the recent candidates" regarded themselves as "the proper political authority" for fixing up the new ticket, and that Patterson, Brenner & Co. is merely a change in the name and style of the firm of Ahern, Stewart & Co., without any corresponding change in its real personnel.

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